

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDRE M. DANIELS	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 09-1753
	:	
RAYMOND SOBINA, <u>et al.</u> ,	:	
Respondents.	:	
	:	

ORDER

AND NOW, this 28th day of January, 2010, upon consideration of the Petition for Writ of Habeas Corpus, Respondents' Response in Opposition thereto, Petitioner's "Reply in Response to Respondents' Response in Opposition thereto," the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated June 19, 2009, Petitioner's objections to the Report and Recommendation, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice and **DISMISSED** as untimely without an evidentiary hearing; and
4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

MITCHELL S. GOLDBERG, J.